

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-26 are pending in the application, with claims 1, 10, 13, 16, 21, and 25 being the independent claims. Claims 1-13, 15, 16, and 19-25 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Provisional Nonstatutory Double Patenting Rejections

The Examiner, on page 4 of the Office Action, has provisionally rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting for allegedly being unpatentable over claims 1-3 and 9-38 of co-pending U.S. Patent Application No. 10/815,251.

Also, the Examiner, on page 5 of the Office Action, has provisionally rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting for allegedly being unpatentable over claims 1-28 of co-pending U.S. Patent Application No. 10/676,859.

Pursuant to M.P.E.P. Section 804(I)(B), since co-pending U.S. Patent Application Nos. 10/815,251 and 10/676,859 have not been allowed, the Examiner should maintain the double patenting rejections in this instant application as ‘provisional’ double patenting rejections, which can be converted into double patenting rejections when the

co-pending U.S. Patent Application Nos. 10/815,251 and 10/676,859 issue as patents.

Applicants will appropriately address the provisional double patenting rejections in the event it is converted to an actual double patenting rejection pursuant to M.P.E.P. Section 804(I)(B) after co-pending U.S. Patent Application Nos. 10/815,251 and 10/676,859 issue as patents.

Rejections under 35 U.S.C. § 101

Claims 1, 3-6, and 21-25 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this ground of rejection.

Claims 1 and 3-6

Although Applicants believe claim 1 represents patentable subject matter as previously pending in the application, Applicants, to expedite prosecution, has amended claim 1 without conceding the propriety of the rejection. Support for these amendments is found at least at paragraphs 0039 and 0103 of the instant application.

Claims 3-6, all of which depend from independent claim 1, are also patentable for reasons similar to those set forth above with respect to independent claim 1, and further in view of their own respective features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 21-24

Although Applicants believe claim 21 represents patentable subject matter as previously pending in the application, Applicants, to expedite prosecution, has amended

claim 21 without conceding the propriety of the rejection. Support for these amendments is found at least at paragraphs 0039 and 0103 of the instant application.

Claims 22-24, all of which depend from independent claim 21, are also patentable for reasons similar to those set forth above with respect to independent claim 21, and further in view of their own respective features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claim 25

Although Applicants believe claim 25 represents patentable subject matter as previously pending in the application, Applicants, to expedite prosecution, has amended claim 25 without conceding the propriety of the rejection. Support for these amendments is found at least at paragraphs 0039, 0043 and 0103 of the instant application.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejections under 35 U.S.C. § 112

Claims 1-26 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this ground of rejection.

Although Applicants believe that these claims were not deficient under the "written description" requirement, to expedite prosecution, have amended claims 1-13, 15, 16, and 19-25.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection of claims 1-26.

Rejection under 35 U.S.C. § 102

Claims 1-7 and 10-26 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pub. No. 2005/0071657 to Ryan ("Ryan"). Applicants respectfully traverse this rejection.

Claims 1-7

The Examiner contends that Ryan teaches each of the elements of claim 1. Applicants respectfully disagree.

Although Applicants believe there are patentable difference between previously pending independent claim 1 and the applied reference, for other reasons, and in order to expedite prosecution, Applicants have amended claim 1. Claim 1, as amended, recites:

A method of providing automated document retention for an electronic document comprising:

assigning a document retention policy to the electronic document, the document retention policy being derived from *a recurring cut-off retention schedule* specifying *cut-off periods*, each cut-off period having a respective *finite document retention duration* associated therewith; and

encrypting the electronic document based on the document retention policy such that *the electronic document can be cryptographically accessed only during finite retention durations*.

Applicants maintain that Ryan does not teach or suggest each and every feature of claim 1. For example, Ryan does not teach or suggest "*the electronic document can be cryptographically accessed only during finite retention durations*" as recited in claim 1.

Ryan teaches a time-based access restriction that limit access to a secured electronic file until "after a predetermined time in the future." (Ryan Para. 0037). In the system of Ryan a time-based access key can only be obtained if a predetermined time associated with the time-based access key has passed (Ryan Par 0051). In other words, before a particular point in time, there can be no access. After that particular point in time, access can be obtained. In general and in contrast to Ryan, the now claimed inventions provide windows of opportunity to access an electronic document by generating a series of keys at particular times based on a schedule.

Assuming arguendo that the claim 1 "cut-off period" were equivalent to Ryan's time-based access key, which Applicants do not acquiesce to, Ryan contains no teaching or suggestion of "finite document retention duration" that is associated with "cut-off period" as recited in claim 1. In the system of Ryan, only after the predetermined time in the future has been exceeded, the secured electronic file is accessible. In contrast to the teachings of Ryan, claim 1 recites, among other features, that *the electronic document can be cryptographically accessed only during finite retention durations.*

Therefore, for at least the above reasons, Ryan fails to disclose all features of independent claim 1.

In addition, the Examiner rejected claims 2-7 as being anticipated by Ryan. These dependent claims necessarily include all features of their respective independent claim 1 and any intervening claims. As discussed above, Ryan fails to disclose all features of claim 1, therefore, claims 2-7 are not anticipated by the cited reference.

Claims 10-12

The Examiner contends that Ryan teaches each of the elements of claim 10. Applicants respectfully disagree.

Although Applicants believe there are patentable difference between previously pending independent claim 10 and the applied reference, for other reasons, and in order to expedite prosecution, Applicants have amended claim 10. Claim 10, as amended, recites:

A method comprising:

determining whether a *cut-off period* for a first document retention key has elapsed;

generating a next document retention key to be used to encrypt the electronic document during a *next cut-off period*, the next document retention key having a *finite document retention duration* associated therewith; and

notifying a client of the next document retention key, *the electronic document being cryptographically accessible only during finite document retention durations using a cryptographic key associated with such durations*.

As discussed above in regards to claim 1, Applicants maintain that Ryan does not teach or suggest each and every feature of claim 1. For example, Ryan does not teach or suggest "*the electronic document being cryptographically accessible only during finite document retention durations using a cryptographic key associated with such durations*" as recited in claim 10.

Therefore, for at least the above reasons, Ryan fails to disclose all features of independent claim 10.

In addition, the Examiner rejected claims 11 and 12 as being anticipated by Ryan. These dependent claims necessarily include all features of their respective independent claim 10 and any intervening claims. As discussed above, Ryan fails to disclose all

features of claim 10, therefore, claims 11 and 12 are not anticipated by the cited reference.

Claims 13-15 and 26

The Examiner contends that Ryan teaches each of the elements of claim 13. Applicants respectfully disagree.

Although Applicants believe there are patentable difference between previously pending independent claim 13 and the applied reference, for other reasons, and in order to expedite prosecution, Applicants have amended claim 13. Claim 13, as amended, recites:

A method for restricting access to an electronic document, said method comprising:

encrypting a data portion of the electronic document using a document key to produce an encrypted data portion;

using a retention access key to associate a document retention policy with the electronic document;

encrypting the document key using the retention access key to produce an encrypted document key, the retention access key being usable for said encrypting during *a cut-off period of a recurring cut-off retention schedule*, the cut-off period having a *finite document retention duration* associated therewith;

forming a secured electronic document from at least the encrypted data portion and the encrypted document key; and

storing the secured electronic document, *the secured electronic document being cryptographically accessible only during the finite document retention duration*.

As discussed above in regards to claims 1 and 10, Applicants maintain that Ryan does not teach or suggest each and every feature of claim 13. For example, Ryan does not teach or suggest "*the secured electronic document being cryptographically accessible only during the finite document retention duration*" as recited in claim 13.

Therefore, for at least the above reasons, Ryan fails to disclose all features of independent claim 13.

In addition, the Examiner rejected claims 14, 15, and 26 as being anticipated by Ryan. These dependent claims necessarily include all features of their respective independent claim 13 and any intervening claims. As discussed above, Ryan fails to disclose all features of claim 13, therefore, claims 14, 15, and 26 are not anticipated by the cited reference.

Claims 16-20

The Examiner contends that Ryan teaches each of the elements of claim 16. Applicants respectfully disagree.

Although Applicants believe there are patentable difference between previously pending independent claim 16 and the applied reference, for other reasons, and in order to expedite prosecution, Applicants have amended claim 16. Claim 16, as amended, recites:

A method for accessing a secured electronic document, the secured electronic document having at least a header portion and a data portion, comprising:

obtaining a retention access key, the retention access key being used to associate a *finite document retention duration* of a document retention policy having a *cut-off period* associated therewith with the electronic document, the retention access key being usable during the document retention duration following a beginning of its respective cut-off period of a recurring cut-off retention schedule, *the secured electronic document being cryptographically accessible only during the finite document retention duration*;

obtaining an encrypted document key from the header portion of the secured electronic document;

decrypting the encrypted document key using the retention access key to produce a document key; and

decrypting an encrypted data portion of the secured electronic document using the document key to produce a data portion.

As discussed above in regards to claims 1, 10, and 13, Applicants maintain that Ryan does not teach or suggest each and every feature of claim 16. For example, Ryan does not teach or suggest "*the secured electronic document being cryptographically accessible only during the finite document retention duration*" as recited in claim 16.

Therefore, for at least the above reasons, Ryan fails to disclose all features of independent claim 16.

In addition, the Examiner rejected claims 17-20 as being anticipated by Ryan. These dependent claims necessarily include all features of their respective independent claim 16 and any intervening claims. As discussed above, Ryan fails to disclose all features of claim 16, therefore, claims 17-20 are not anticipated by the cited reference.

Claims 21-24

The Examiner contends that Ryan teaches each of the elements of claim 21. Applicants respectfully disagree.

Although Applicants believe there are patentable difference between previously pending independent claim 21 and the applied reference, for other reasons, and in order to expedite prosecution, Applicants have amended claim 21. Claim 21, as amended, recites:

A tangible computer-readable medium having stored thereon, computer-executable instructions that, if executed by a computing device, cause the computing device to perform a method comprising:

assigning a document retention policy to an electronic document, the document retention policy being derived from *a recurring cut-off retention schedule* specifying *cut-off periods*, each cut-off period having a

respective *finite document retention duration* associated therewith; and

encrypting the electronic document based on the document retention policy such that *the electronic document can be cryptographically accessed only during finite retention durations.*

As discussed above in regards to claims 1, 10, 13, and 16, Applicants maintain that Ryan does not teach or suggest each and every feature of claim 21. For example, Ryan does not teach or suggest "*the electronic document can be cryptographically accessed only during finite retention durations*" as recited in claim 21.

Therefore, for at least the above reasons, Ryan fails to disclose all features of independent claim 21.

In addition, the Examiner rejected claims 22-24 as being anticipated by Ryan. These dependent claims necessarily include all features of their respective independent claim 21 and any intervening claims. As discussed above, Ryan fails to disclose all features of claim 21, therefore, claims 22-24 are not anticipated by the cited reference.

Claim 25

The Examiner contends that Ryan teaches each of the elements of claim 25. Applicants respectfully disagree.

Although Applicants believe there are patentable difference between previously pending independent claim 25 and the applied reference, for other reasons, and in order to expedite prosecution, Applicants have amended claim 25. Claim 25, as amended, recites:

A computer-implemented file security system for restricting access to an electronic file, comprising:

a computer-readable storage medium configured to store a plurality of cryptographic key pairs, each of the cryptographic key pairs including a public key and a

private key, at least one of the cryptographic key pairs pertaining to a retention policy, the retention policy having *finite document retention durations*, each finite document retention duration having a respective *cut off period* associated therewith; and

an access control management module which if executed by a computing device of the computer-implemented file security system, causes the computing device to:

provide, for each particular cut-off period, a different one of the public keys of the at least one of the cryptographic key pairs, and

determine whether the private key of the at least one of the cryptographic key pairs pertaining to the retention policy is permitted to be provided to a requestor based on whether its respective document retention duration following a beginning of its respective cut-off period has expired,

wherein the requestor requires the private key of the at least one of the cryptographic key pairs pertaining to the retention policy to access a secured electronic file, and wherein the secured electronic file was previously secured using the public key of the at least one of the cryptographic key pairs pertaining to the retention policy, and at the time the electronic file was secured, the public key was within its respective cut-off period and available for use, *the secured electronic document being cryptographically accessible only during the finite retention durations*.

As discussed above in regards to claims 1, 10, 13, 16, and 21, Applicants maintain that Ryan does not teach or suggest each and every feature of claim 25. For example, Ryan does not teach or suggest "*the secured electronic document being cryptographically accessible only during the finite retention durations*" as recited in claim 25.

Therefore, for at least the above reasons, Ryan fails to disclose all features of independent claim 25.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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